

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

LAWRENCE ANTHONY RAY

PLAINTIFF

v.

CIVIL ACTION NO. 3:12-cv-429-CWR-FKB

TYRONE LEWIS

DEFENDANT

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This cause comes on this date before the Court *sua sponte* to dismiss this cause of action because of Plaintiff's failure to prosecute his claims. *Natural Gas Pipeline Co. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1407 (5th Cir. 1993). Plaintiff failed to appear at an Omnibus Hearing scheduled in this matter on January 30, 2013, and he has failed to respond to the Order to Show Cause entered on January 31, 2013. *See* Docket No. 24. By failing to appear at the Omnibus Hearing, and by failing to respond to the Order to Show Cause entered January 31, 2013, Plaintiff has failed to prosecute this case. For these reasons, the undersigned recommends that Plaintiff's claims be dismissed without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636, *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

RESPECTFULLY SUBMITTED, this the 21st day of February, 2013.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE